

SENATE BILL 188

M2

11r0658

By: **Senators Kittleman, Astle, Brinkley, Brochin, Colburn, Conway, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, McFadden, Middleton, Peters, Pipkin, Raskin, Reilly, Shank, Simonaire, and Young**

Introduced and read first time: January 26, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Recreational Fishing Licenses – Exemption for ~~Disabled Armed Forces~~**
3 **~~Members~~**

4 FOR the purpose of ~~creating an~~ authorizing the Department of Natural Resources to
5 issue an annual exemption from the requirement to obtain a recreational
6 fishing license under certain circumstances for a person who serves in the
7 armed forces and has a service-connected disability to a governmental entity or
8 nonprofit organization to take individuals serving or who have served in the
9 armed forces with physical or mental disabilities fishing in certain waters;
10 providing that the exemption applies to certain individuals attending to a
11 certain disabled individual; requiring an application for the exemption to be
12 submitted to the Department on a certain form; requiring a certain
13 governmental entity or nonprofit organization to submit a certain report
14 containing certain information within a certain time frame; clarifying that the
15 exemption applies to certain fishing activities; and generally relating to
16 exemptions from the requirement to obtain a recreational fishing license.

17 ~~BY adding to~~
18 ~~Article – Natural Resources~~
19 ~~Section 4 – 217.1~~
20 ~~Annotated Code of Maryland~~
21 ~~(2005 Replacement Volume and 2010 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 4-604(b) and 4-614(a)(1)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 4-604(e), 4-614(a)(2), and 4-745(a)(1)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 4-217
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

~~4-217.1.~~

~~(A) A PERSON SERVING IN THE ARMED FORCES OF THE UNITED STATES WHO HAS A SERVICE-CONNECTED DISABILITY MAY FISH IN THE WATERS OF THE STATE FOR RECREATION WITHOUT OBTAINING A LICENSE OR AN APPLICABLE STAMP IF, WHILE FISHING, THE PERSON POSSESSES VALID MILITARY IDENTIFICATION.~~

~~(B) THE FISHING ACTIVITIES AUTHORIZED UNDER THIS SECTION INCLUDE:~~

~~(1) ANGLING ON THE NONTIDAL WATERS OF THE STATE WITHOUT HOLDING AN ANGLER'S LICENSE UNDER § 4-604 OF THIS TITLE;~~

~~(2) ANGLING FOR TROUT ON THE NONTIDAL WATERS OF THE STATE WITHOUT HOLDING A TROUT STAMP UNDER § 4-614 OF THIS TITLE; AND~~

~~(3) FISHING FOR FINFISH IN THE CHESAPEAKE BAY AND ITS TRIBUTARIES OR IN THE STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES WITHOUT HOLDING A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE UNDER § 4-745 OF THIS TITLE.~~

1 ~~4-604.~~

2 (b) ~~Any person 16 years old or older shall secure an angler's license to fish in~~
3 ~~the nontidal waters of the State. An angler's license entitles the holder to fish in the~~
4 ~~nontidal waters of the State only during the open season.~~

5 (e) ~~An angler's license is not required of the following:~~

6 (1) ~~The owner or tenant of land bordering on nontidal water, his~~
7 ~~spouse and children, or the spouse of any child who resides on the land with the owner~~
8 ~~or tenant when he fishes in nontidal water adjoining his land;~~

9 (2) ~~Any resident serving in the armed forces of the United States,~~
10 ~~while on leave in the State, during his leave period, if, while angling, he possesses a~~
11 ~~copy of his official leave orders;~~

12 (3) ~~A person who fishes in nontidal waters of the State on free fishing~~
13 ~~days designated by the Secretary;~~

14 (4) ~~A person holding a current resident consolidated senior sport~~
15 ~~fishing license issued under § 4-216 of this title; [or]~~

16 (5) ~~A person authorized by a disability exemption issued under §~~
17 ~~4-217 of this title; OR~~

18 **(6) ~~A PERSON SERVING IN THE ARMED FORCES OF THE UNITED~~**
19 **~~STATES WHO HAS A SERVICE CONNECTED DISABILITY AND POSSESSES VALID~~**
20 **~~MILITARY IDENTIFICATION AS PROVIDED UNDER § 4-217.1 OF THIS TITLE.~~**

21 ~~4-614.~~

22 (a) (1) ~~Except as provided in paragraph (2) of this subsection, a person~~
23 ~~may not fish in a special catch and return trout management area or possess trout~~
24 ~~while fishing in nontidal waters unless the person first obtains a trout stamp in~~
25 ~~addition to an angler's license.~~

26 (2) ~~A trout stamp is not required of the following:~~

27 (i) ~~A holder of a current resident consolidated senior sport~~
28 ~~fishing license issued under § 4-216 of this title;~~

29 (ii) ~~A holder of a lifetime complimentary angler's license for~~
30 ~~service disabled veterans or former prisoners of war issued under § 4-607(a)(2) of this~~
31 ~~subtitle;~~

32 (iii) ~~A person authorized by a disability exemption issued under~~
33 ~~§ 4-217 of this title;~~

1 (iv) ~~A resident serving in the armed forces of the United States~~
 2 ~~while on leave if the resident possesses a copy of the resident's official leave order~~
 3 ~~while fishing; [or]~~

4 (v) ~~A PERSON SERVING IN THE ARMED FORCES OF THE~~
 5 ~~UNITED STATES WHO HAS A SERVICE CONNECTED DISABILITY AND POSSESSES~~
 6 ~~VALID MILITARY IDENTIFICATION AS PROVIDED UNDER § 4-217.1 OF THIS~~
 7 ~~TITLE; OR~~

8 (vi) ~~A person under 16 years of age.~~

9 ~~4-745.~~

10 (a) (1) ~~Except as provided in subsections (c) and (d) of this section and [§]~~
 11 ~~§§ 4-217 AND 4-217.1 of this title, a person may not fish for finfish in the~~
 12 ~~Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the~~
 13 ~~Atlantic Ocean and the Atlantic coastal bays and tributaries without first obtaining a~~
 14 ~~Chesapeake Bay and coastal sport fishing license or registration issued under~~
 15 ~~subsection (d)(3) of this section and possessing evidence of the license or registration.~~

16 ~~4-217.~~

17 (a) (1) The Department may issue a 1-day license exemption to a
 18 nonprofit organization to take individuals with physical or mental disabilities fishing
 19 from shore in the tidal or nontidal waters of the State.

20 (2) The primary caregiver or representative of the organization
 21 attending to the disabled individuals is included in the license exemption UNDER
 22 THIS SUBSECTION.

23 **[(b)] (3)** Application for a license exemption for an organization attending
 24 to disabled individuals shall state the location, time, and day of the event and the
 25 number of individuals covered by the exemption.

26 **(B) (1)** THE DEPARTMENT MAY ISSUE AN ANNUAL LICENSE
 27 EXEMPTION TO A GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION TO
 28 TAKE INDIVIDUALS WITH PHYSICAL OR MENTAL DISABILITIES WHO ARE
 29 SERVING OR HAVE SERVED IN THE ARMED FORCES FISHING IN THE TIDAL OR
 30 NONTIDAL WATERS OF THE STATE.

31 **(2)** THE PRIMARY CAREGIVER OR REPRESENTATIVE OF THE
 32 GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION ATTENDING TO A
 33 DISABLED INDIVIDUAL UNDER THIS SUBSECTION IS INCLUDED IN THE LICENSE
 34 EXEMPTION.

1 **(3) AN APPLICATION FOR A LICENSE EXEMPTION FOR A**
2 **GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION ATTENDING TO A**
3 **DISABLED INDIVIDUAL UNDER THIS SUBSECTION SHALL BE MADE ON A FORM**
4 **PROVIDED BY THE DEPARTMENT.**

5 **(4) A GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION**
6 **WITH AN EXEMPTION UNDER THIS SUBSECTION SHALL SUBMIT A REPORT TO**
7 **THE DEPARTMENT BY JANUARY 1 OF THE YEAR FOLLOWING THE EXEMPTION**
8 **PERIOD THAT STATES:**

9 **(I) THE LOCATIONS FISHED UNDER THE EXEMPTION;**

10 **(II) THE DATES THE EXEMPTION WAS USED; AND**

11 **(III) THE NUMBER OF INDIVIDUALS WHO WERE COVERED BY**
12 **THE EXEMPTION.**

13 **(c) The primary caregiver or representative of the GOVERNMENTAL ENTITY**
14 **OR NONPROFIT organization EXEMPTED UNDER SUBSECTIONS (A) OR (B) OF THIS**
15 **SECTION shall have in possession the letter of exemption from the Director of the**
16 **Fisheries Service while the organization is engaged in fishing activity.**

17 **(d) An individual covered under [the organization's] A license exemption**
18 **UNDER SUBSECTION (A) OR (B) OF THIS SECTION may:**

19 **(1) Engage in angling on the nontidal waters of the State without**
20 **holding an angler's license under § 4-604 of this title;**

21 **(2) Engage in angling for trout on the nontidal waters of the State**
22 **without holding a trout stamp under § 4-614 of this title; and**

23 **(3) Fish for finfish in the Chesapeake Bay and its tributaries or in the**
24 **State waters of the Atlantic Ocean and the Atlantic coastal bays and tributaries**
25 **without holding a Chesapeake Bay and coastal sport fishing license under § 4-745 of**
26 **this title.**

27 **(e) An angler's license is not required of the following:**

28 **(1) A convalescent patient of a veterans' hospital hospitalized for a**
29 **service-connected disability who fishes in waters of the State if the patient secures a**
30 **permit issued by a special service officer of the American Red Cross under authority**
31 **granted by the Department;**

32 **(2) A patient who is under treatment by a State-approved mental**
33 **health facility and an individual who attends or resides in a State-approved**
34 **retardation facility; or**

1 (3) A caregiver, family member, or designee of a mental health care
2 facility or private group home of a patient who is under treatment by a
3 State-approved mental health facility, if:

4 (i) The administrator of the mental health care facility, or
5 treating physician or psychologist provides the Department with a letter stating that
6 the caregiver or family member is the primary caretaker of the patient; or

7 (ii) The individual accompanying the patient carries a copy of
8 the letter described under item (i) of this paragraph, or a professional license or
9 certificate of a health care professional involved in the care of the patient.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.